

# Interview Summary

Application No.

09/893,495

Applicant(s)

WALKER ET AL.

Examiner

Luke Gilligan

Art Unit

3626

All participants (applicant, applicant's representative, PTO personnel):

(1) Luke Gilligan.

(3) Magdalena Fincham.

(2) Joseph Thomas.

(4) \_\_\_\_\_.

Date of Interview: 3/31/03.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 34.

Joseph Thomas  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Identification of prior art discussed: Shults, U.S. Patent No. 6,324,516 and Mayaud, U.S. Patent No. 5,845,255.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See below

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Discussed Applicants' concerns with differences between the claimed "agreement" feature and the "agreement" disclosed by Shults et al. In addition, the Examiner indicated that the claimed "transmitting a request" step would include a request made by a patient as disclosed by Mayaud. The Examiner suggested adding a limitation to indicate that the "transmitting" step is some sort of electronic communication and will reconsider the prior art in view of such an amendment and remarks.*

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Allyson  
Examiner's signature, if required

To: Examiner Gilligan

From: Magdalena M. Fincham (Reg. No. 46,085)

RE: Application No. 09/893,495

APPLICANTS' PROPOSED AGENDA

for personal interview scheduled for 3:00pm, March 31, 2003.

Applicants would like to discuss claim 34, as currently pending. In particular, Applicants would like to discuss the following general claim limitations:

- an agreement with an expert wherein the expert agrees to provide a minimum number of diagnoses
- transmitting a request for a diagnosis of a physical anomaly associated with a patient

Claim 34 stands rejected under §103(a) as being unpatentable in over Mayaud in view of Shults. Upon reviewing this art, Applicants have not found a teaching or suggestion of the above limitations. In particular, Applicants would like to discuss the following regarding the prior art:

- Schults teaches an agreement between a doctor and a cost-containment system representative for a maximum number of treatments for a patient, based on a particular diagnosis by the doctor of a particular injury. There is no request for a diagnosis since the doctor makes the diagnosis before contacting the cost containment system representative. The doctor does not agree to make any future diagnosis, much less a minimum number of diagnoses, because the agreement is regarding a diagnosis that already occurred, and pertains to the maximum number of treatments based on that diagnosis.

- Mayoud teaches a system for helping a doctor select a medication or treatment to prescribe to a patient. Here also, at the time the doctor accesses the system, the doctor has diagnosed a particular injury of a particular patient. The system simply provides guidance to the doctor as to the proper medication or treatment to provide (e.g., based on information about the patient and / or the available medications). The doctor does not enter into any agreement to provide a future diagnosis, much less a minimum number of diagnoses. Further, a request for a diagnosis is never transmitted to the doctor, since the doctor accesses the system once the doctor makes a diagnosis of a patient's injury.

Applicants have reviewed the sections of the references cited by Examiner in the December 26, 2002 Office Action but are unsure of how Examiner is interpreting these sections such that the claims are, to Examiner, taught or suggested and obvious over the prior art. Applicants respectfully request clarification of Examiner's interpretation of these sections and look forward to discussing claim 34 and the prior art with Examiner.

Applicants can be contacted prior to the personal interview at (203) 627-9148.

Sincerely,



Magdalena M. Fincham